

\*\*E-Filed 3/29/10\*\*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

ANGEL ACOSTA,

Plaintiff,

V.

WELLS FARGO BANK, N.A., a national association, FIRST AMERICAN LOANSTAR, a limited liability corporation, FINANCIAL GROUP, a California company, entity type unknown, and DOES 1 to 100 inclusive.

### Defendants.

Case Number C 10-991 JF (PVT)  
CORRECTED  
**ORDER<sup>1</sup> CONTINUING HEARING  
ON MOTION FOR PRELIMINARY  
INJUNCTION AND PRESERVING  
TEMPORARY RESTRAINING  
ORDER**

Plaintiff seeks a preliminary injunction to restrain Defendants from taking actions that would be adverse to Plaintiff's interest in the subject real property. For the reason discussed below, the hearing on Plaintiff's motion for preliminary injunction will be continued to May 14, 2010 at 9:00 a.m. The existing temporary restraining order ("TRO") will remain in place until further order of the Court.

On March 8, 2010, Plaintiff Angel Acosta (“Plaintiff”) filed the instant action against

<sup>1</sup> This disposition is not designated for publication in the official reports.

Wells Fargo Bank, N.A., First American Loanstar, LLC, and Financial Group (collectively, “Defendants”). The dispute arises out of a mortgage transaction in which Defendants allegedly violated the Truth in Lending Act (“TILA”), 15 U.S.C. § 1601 *et seq.*, the Real Estate and Settlement Procedures Act (“RESPA”), 12 U.S.C. § 2601 *et seq.*, and several provisions of California law, including California Civil Code §§ 2923.5 and 2924.

Plaintiff purchased the property at issue through funds obtained in a mortgage transaction involving Wells Fargo and Financial Group. Plaintiff did not stay current with his required loan payments, and a trustee's sale was scheduled for March 10, 2010. On March 9, 2010, Plaintiff moved for a TRO and an order to show cause why Defendants should not be enjoined from selling, transferring, conveying, or foreclosing on the property. On March 10, 2010, the district judge initially assigned to the case, Judge Phyllis J. Hamilton, issued a TRO effective through March 21, 2010. Judge Hamilton also ordered that the case be transferred to the San Jose Division. The case was reassigned to Magistrate Judge Patricia V. Trumbull. On March 19, 2010, Judge Trumbull issued an order directing that the case be reassigned to a district judge. On the same day, this Court extended the TRO through March 26, 2010 so that it could consider in an orderly fashion the merits of Plaintiff's application for preliminary injunctive relief.

As of the hearing on March 26, 2010, no defendant had appeared in the case. Accordingly, the Court will continue the hearing on the motion for a preliminary injunction to May 14, 2010 at 9:00 a.m. The TRO will remain in place until further order of the Court.

## **IT IS SO ORDERED**

DATED: 3/29/ 2010

  
JEREMY FOGEL  
United States District Judge